

REMARKS

Claims 1-32 are pending in the present application. Claims 1, 13 and 25 have been amended and are independent. Reconsideration of this application, in view of the following remarks, is respectfully requested.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1-5, 7-9, 12-17, 19-21 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Reetz, U.S. Patent no. 4,957,186. Claims 6, 10, 11, 18, 22, 23 and 25-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reetz. These rejections are respectfully traversed.

The present invention is directed to a joint structure, a building and a method of assembling or reinforcing a building.

Independent claims 1 and 13 are directed to the joint structure and the building, respectively. Each of independent claims 1 and 13 recites a combination of elements including "a plurality of splice plates connected to said gusset plate, each of said plurality of splice plates being constructed from section steel having a cross-section perpendicular to a longitudinal axis thereof that is non-rectangular, at least one of said plurality of splice plates having a face in direct contact with the first opposed face of said gusset plate and at least another of said plurality of splice plates having a face in direct contact with the second opposed face of said gusset plate."

Independent claim 25 is directed to the method of assembling or reinforcing a building. Independent claim 25 recites a combination of steps including "providing a plurality of splice plates, said plurality of splice plates having a cross-section perpendicular to a longitudinal axis

thereof that is non-rectangular” and “connecting a first end of each of said plurality of splice plates to said gusset plate such that at least one of said plurality of splice plates has a face in direct contact with the first opposed face of the gusset plate and at least another of said plurality of splice plates has a face in direct contact with the second opposed face of said gusset plate.”

Applicants respectfully submit that the references relied on by the Examiner fail to teach or suggest the present invention as recited in independent claims 1, 13 and 25.

Referring to the Reetz reference, the Examiner has considered the web 34 of Reetz to be the gusset plate of the presently claimed invention and the arm mechanisms 52 to be the splice plates of the presently claimed invention. Applicants submit that the Reetz device is quite different from the present invention in both structure and function. Specifically, with regard to the structure, the element 52 of Reetz does not have a “non-rectangular” cross-section as in the presently claimed invention. Referring to Figure 2 of Reetz, the element 52 would have a rectangular cross-section at every point along a length thereof. In view of this, Reetz fails to anticipate independent claims 1, 13 and 25 of the present invention.

To the extent the Examiner has taken the position that a cross-section along the length of the element 52, and through the thickness of the element 52 (parallel to the surface of the page in Figure 3 of Reetz, for example) would be the non-rectangular cross-section of the element 52, it is noted that the Examiner has not explained this in the Office Action. Therefore, clarification of the Examiner’s position is respectfully requested. However, in order to expedite prosecution of the present application, claims 1, 13 and 25 have been further amended to clarify that the non-rectangular cross-section should be taken perpendicular to a longitudinal axis of the splice plate (perpendicular to the length dimension of the splice plate, which would be perpendicular to the

surface of the paper in Figure 3 of Reetz). Since the cross-section of the element 52 of Reetz is rectangular, when the cross-section is taken along a plane that is perpendicular to the longitudinal axis of the element 52, Applicants respectfully submit that Reetz clearly fails to teach this aspect of the present invention.

With regard to the function of Reetz, it is noted that Reetz functions completely different from the presently claimed invention. Specifically, in Reetz, the arm structures 54 and 56 are free to rotate in the plane of the truss. Therefore, the adjustment of the attachment becomes much easier at a joint constructed from web 34 and arm mechanism 52. On the other hand, in the present invention, the diagonal brace 3 and the gusset plate 21 are completely bolted to each other through the splice plates.

With regard to dependent claims 2-12, 14-24 and 26-32, Applicants respectfully submit that these claims are allowable due their respective dependence upon independent claims 1, 13 and 25, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1-32 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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